



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

200 PORTLAND STREET  
BOSTON, MASSACHUSETTS 02114

TOM REILLY  
ATTORNEY GENERAL

(617) 727-2200  
<http://www.ago.state.ma.us>

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Sent via e-mail, hand-delivery and/or U.S. mail

John Geary, Hearing Officer  
Massachusetts Department of Telecommunications and Energy  
One South Station, 2<sup>nd</sup> Floor  
Boston, MA 02110

re: DTE 02-24/25, Fitchburg Gas and Electric rate case

Dear Mr. Geary,

Pursuant to 220 CMR §§ 1.02(5), 1.11(3), and 1.11(6), the Attorney General asks the Hearing Officer to revise the current briefing schedule and allow the intervenors and limited participants to file their reply briefs within five business days after the Company files its initial brief.<sup>1</sup> The Attorney General does not propose to change the Company's reply interval of five business days after the intervenors and limited participants file their reply briefs. This proposed modification would extend the existing schedule one business day by increasing the reply brief time period for intervenors and limited participants from the current four business days to five business days.<sup>2</sup>

Good cause exists for this extension request because it is inequitable to allow the Company five business days to respond to the Attorney General's brief, but allow only four business days for the Attorney General to respond to the Company's arguments. 220 CMR § 1.11(6). A one business day extension in the briefing schedule will not inconvenience or cause prejudice to the Company, other intervenors, limited participants, or the Department as the Department's final order is not due until December. *Id.* This request is raised well in advance of

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<sup>1</sup> For all practical purposes, this extension would apply primarily to the Attorney General and the Department of Energy Resources ("DOER").

<sup>2</sup> Under the current procedural schedule, the Company's initial brief is due October 9, 2002, reply briefs for the intervenors and limited participants are due October 16, and the Company's reply brief is due October 23. Tr. 15, pp. 1931-1932. The Columbus Day holiday, October 14, 2002, occurs during the intervenors and limited participants' reply period and creates a four-business-day reply period.

the parties' reply briefing deadlines. 220 CMR § 1.02(5). The Department would enhance its administrative efficiency by allowing the Attorney General one additional business day to refine his arguments on reply. Granting this request will place all parties on a level playing field by having the same number of business days within which to draft and file their replies. The Attorney General contacted the DOER and the Company, the two other active parties in this case, about this request. The DOER assents to this request and the Company objects to the request. The Company indicated that it would file its opposition to this motion shortly.

For these reasons, the Attorney General requests the Hearing Officer to exercise his discretion under 220 C.M.R. §§ 1.11(3), 1.11(6) and 1.02(5) and revise the briefing schedule to allow the intervenors and limited participants five business days to respond to the Company's initial brief.

Sincerely,

Karlen J. Reed  
Assistant Attorney General  
Utilities Division

KJR/kr

cc: DTE 02-24/25 service list  
Edward G. Bohlen  
Alexander J. Cochis